

APPEAL NO. 021130
FILED JUNE 24, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 1, 2002. The hearing officer resolved the issue in dispute by determining that appellant's (claimant) compensable right shoulder injury of _____, does not extend to and include herniated discs at C5-6 and C6-7, and right ulnar neuropathy. Claimant appealed the determination on sufficiency of the evidence grounds and also argued that the hearing officer was biased against him. Respondent (carrier) responded, urging affirmance.

DECISION

We affirm.

We first address claimant's general complaint that the hearing officer was biased against him. Upon a review of the record as a whole, we find no evidence of bias or prejudice on the part of the hearing officer.

The hearing officer did not err in determining that claimant's compensable right shoulder injury of _____, does not extend to and include herniated discs at C5-6 and C6-7, and [his] right ulnar neuropathy. Claimant testified that the herniated discs were the actual injury he sustained on _____, with the shoulder problems, and right ulnar neuropathy being symptomatic of the cervical spine problems. Several doctors also opined that claimant's cervical spine injury was part and parcel of his compensable injury and that his right shoulder and upper extremity problems stemmed from the herniated discs. Carrier argued that claimant only sustained a minor right shoulder injury, in the form of bursitis [characterized as a repetitive trauma occupational injury], and that the other injuries were in no way connected to his compensable injury of _____.

The hearing officer is the sole judge of the weight and credibility to be given the evidence. Section 410.165(a). The hearing officer did not believe that claimant's compensable injury and his cervical and ulnar injuries were related. Conflicting evidence on the issue was presented and the hearing officer made his determination based on the record before him. We conclude that the hearing officer's determination that claimant's compensable injury did not extend to and include herniated discs at C5-6 and C6-7 and right ulnar neuropathy is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **LUMBERMENS UNDERWRITING ALLIANCE** and the name and address of its registered agent for service of process is

**DANIEL J. O'BRIEN
12200 FORD ROAD, SUITE 344
DALLAS, TEXAS 75234.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Roy L. Warren
Appeals Judge